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28.07.2021
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**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

**C.O. No. 602 of 2020
(Via video conference)**

**Smt. Jharna Pal & Ors.
-Vs.-
Smt. Aruna Pal & Ors.**

Mr. Samim Ahammed,
Mr. Arka Maih
...for the petitioners

The present challenge is against an order whereby a partition commissioner's report was accepted by the trial court, upon considering the accompanying evidence and materials on record.

Learned counsel appearing for the petitioners contends that such acceptance was without jurisdiction, since the report does not squarely pertain to the issues framed in the suit.

However, it will be premature to entertain a revisional application against such an order, since the petitioners have a wider remedy by way of an appeal against the final decree, if passed, on accepting the report by the trial court.

Hence, C.O. No. 602 of 2020 is disposed of without interfering with the impugned order, with

liberty to the petitioners to raise all questions taken in the present revisional application as grounds of the appeal, if any, preferred by the revisionist petitioners against the final decree in the partition suit, as and when such final decree is passed.

It is made clear that I have not gone into the merits of the case and it will be open to the appellate court to decide the questions raised herein independently in accordance with law.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the petitioners upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)